

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

WM INTERNATIONAL, INC. and  
SHAOGUAN RISEN TRADING CORPORATION  
LTD.,

Plaintiffs,

- v -

99 RANCH MARKET #601,  
99 RANCH MARKET #602,  
J-MART OF BENSONHURST,  
TRISTAR FOOD WHOLESALE CO., INC.  
TIAN LIU,  
J-MART OF QUEENS,  
RENHE MARKET, INC.,  
WELCOME CALIFORNIA MARKET, INC.,  
TAWA CALIFORNIA SUPERMARKET, INC.,  
TAWA SUPERMARKET, INC. and  
ABC Corps. 1-10,

Defendants.

No. 17-cv-6198-RJD-RER

**ANSWER**

Defendants TRISTAR FOOD WHOLESALE CO., INC.; RENHE MARKET, INC.; WELCOME CALIFORNIA MARKET, INC.; TAWA CALIFORNIA SUPERMARKET, INC. and TAWA SUPERMARKET, INC. (together, "Defendants") hereby respond to the First Amended Complaint (the "Complaint") (ECF Doc. No. 24) filed April 25, 2018 by Plaintiffs WM International, Inc. and Shaoguan Risen Trading Corporation, Ltd. with the following answers and affirmative defenses:

Defendants deny the unnumbered allegations at pages 1-2 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief about the truth of Plaintiffs' alleged purpose in amending their pleadings; and to

admit that Plaintiffs have misidentified defendants by purporting to sue entities that, upon information and belief, have no legal existence.

1. Defendants deny the allegations contained in Paragraph 1 of the Complaint, except to admit that Plaintiff purports to seek relief.

2. Defendants admit the allegations contained in Paragraph 2 of the Complaint.

3. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 3 of the Complaint.

4. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 4 of the Complaint.

5. Defendants deny the allegations contained in Paragraph 5 of the Complaint.

6. Defendants deny the allegations contained in Paragraph 6 of the Complaint.

7. Defendants deny the allegations contained in Paragraph 7 of the Complaint.

8. Defendants admit the allegations contained in Paragraph 8 of the Complaint, except to deny that Welcome California Market, Inc. may be the entity that directs the

business of the entities identified in Paragraph 8 of the Complaint.

9. Defendants deny the allegations contained in Paragraph 9 of the Complaint, except to deny that Tawa California Supermarket, Inc. may be the entity that directs the business of the entities identified in Paragraph 9 of the Complaint.

10. Defendants deny the allegations contained in Paragraph 10 of the Complaint, except to deny that Tawa Supermarket, Inc. may be the entity that directs the business of the entities identified in Paragraph 10 of the Complaint.

11. Defendants deny the allegations contained in Paragraph 11 of the Complaint.

12. Defendants deny the allegations contained in Paragraph 12 of the Complaint.

13. Defendants admit the allegations contained in Paragraph 13 of the Complaint, except to deny that Renhe Market, Inc. may be the entity that directs the business of the entities identified in Paragraph 13 of the Complaint.

14. Defendants admit the allegations contained in Paragraph 14 of the Complaint.

15. Defendants admit the allegations contained in Paragraph 15 of the Complaint, except to state that Defendants

lack knowledge or information sufficient to form a belief about the allegation concerning defendant Liu's home address.

16. Defendants deny the allegations contained in Paragraph 16 of the Complaint.

17. Defendants deny the allegations contained in Paragraph 17 of the Complaint.

18. Defendants admit the allegations contained in Paragraph 18 of the Complaint.

19. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 19 of the Complaint.

20. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 20 of the Complaint.

21. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 21 of the Complaint and refer the Court to the referenced document for its contents.

22. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 22 of the Complaint and refer the Court to the referenced document for its contents.

23. Defendants deny the allegations contained in Paragraph 23 of the Complaint, except to state that incontestability is a conclusion of law to which no response is required.

24. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 24 of the Complaint and refer the Court to the referenced document for its contents.

25. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 25 of the Complaint.

26. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 26 of the Complaint.

27. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 27 of the Complaint.

28. Defendants deny the allegations contained in Paragraph 28 of the Complaint.

29. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 29 of the Complaint.

30. Defendants deny the allegations contained in Paragraph 30 of the Complaint.

31. Defendants deny the allegations contained in Paragraph 31 of the Complaint and refer the Court to the referenced document for its contents.

32. Defendants deny the allegations contained in Paragraph 32 of the Complaint.

33. Defendants deny the allegations contained in Paragraph 33 of the Complaint.

34. Defendants deny the allegations contained in Paragraph 34 of the Complaint.

35. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 35 of the Complaint.

36. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 36 of the Complaint.

37. Defendants deny the allegations contained in Paragraph 37 of the Complaint.

38. Defendants deny the allegations contained in Paragraph 38 of the Complaint.

39. Defendants deny the allegations contained in Paragraph 39 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief about the truth of allegations concerning defendant Liu.

40. Defendants deny the allegations contained in Paragraph 40 of the Complaint.

41. Defendants deny the allegations contained in Paragraph 41 of the Complaint.

42. Defendants deny the allegations contained in Paragraph 42 of the Complaint.

43. Defendants deny the allegations contained in Paragraph 43 of the Complaint.

44. Defendants deny the allegations contained in Paragraph 44 of the Complaint and refer the Court to the referenced document for its contents.

45. Defendants lack knowledge or information sufficient to form a belief about the allegations contained in Paragraph 45 of the Complaint and refer the Court to the referenced document for its contents.

46. Defendants deny the allegations contained in Paragraph 46 of the Complaint.

47. Defendants deny the allegations contained in Paragraph 47 of the Complaint.

48. Defendants deny the allegations contained in Paragraph 48 of the Complaint.

49. Defendants deny the allegations contained in Paragraph 49 of the Complaint.

50. Defendants deny the allegations contained in Paragraph 50 of the Complaint.

51. Defendants deny the allegations contained in Paragraph 51 of the Complaint.

52. Defendants deny the allegations contained in Paragraph 52 of the Complaint.

53. Defendants deny the allegations contained in Paragraph 53 of the Complaint.

54. Defendants deny the allegations contained in Paragraph 54 of the Complaint.

55. Defendants deny the allegations contained in Paragraph 55 of the Complaint.

56. Defendants deny the allegations contained in Paragraph 56 of the Complaint, except to state that Defendants lack knowledge and information sufficient to form a belief about the truth of allegations concerning Defendant Liu.

57. Defendants deny the allegations contained in Paragraph 57 of the Complaint, except to state that Defendants lack knowledge and information sufficient to form a belief about the truth of allegations concerning Defendant Liu.

58. Defendants deny the allegations contained in Paragraph 58 of the Complaint.



59. Defendants deny the allegations contained in Paragraph 59 of the Complaint.

60. Defendants deny the allegations contained in Paragraph 60 of the Complaint.

61. Defendants deny the allegations contained in Paragraph 61 of the Complaint, and to the extent Paragraph 61 purports to incorporate by reference prior paragraphs of the Complaint, Defendants incorporate by reference their general and specific responses to same.

62. Defendants deny the allegations contained in Paragraph 62 of the Complaint.

63. Defendants deny the allegations contained in Paragraph 63 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief as to the truth of allegations concerning defendant Liu.

64. Defendants deny the allegations contained in Paragraph 64 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief as to the truth of allegations concerning defendant Liu.

65. Defendants deny the allegations contained in Paragraph 65 of the Complaint.

66. Defendants deny the allegations contained in Paragraph 66 of the Complaint.

67. Defendants deny the allegations contained in Paragraph 67 of the Complaint.

68. Defendants deny the allegations contained in Paragraph 68 of the Complaint.

69. Defendants deny the allegations contained in Paragraph 69 of the Complaint.

70. Defendants deny the allegations contained in Paragraph 70 of the Complaint.

71. Defendants deny the allegations contained in Paragraph 71 of the Complaint.

72. Defendants deny the allegations contained in Paragraph 72 of the Complaint.

73. Defendants deny the allegations contained in Paragraph 73 of the Complaint.

74. Defendants deny the allegations contained in Paragraph 74 of the Complaint.

75. Defendants deny the allegations contained in Paragraph 75 of the Complaint.

76. Defendants deny the allegations contained in Paragraph 76 of the Complaint.

77. Defendants deny the allegations contained in Paragraph 77 of the Complaint, and to the extent Paragraph 77 purports to incorporate by reference prior paragraphs of the Complaint,

Defendants incorporate by reference their general and specific responses to same.

78. Defendants deny the allegations contained in Paragraph 78 of the Complaint.

79. Defendants deny the allegations contained in Paragraph 79 of the Complaint.

80. Defendants deny the allegations contained in Paragraph 80 of the Complaint.

81. Defendants deny the allegations contained in Paragraph 81 of the Complaint.

82. Defendants deny the allegations contained in Paragraph 82 of the Complaint.

83. Defendants deny the allegations contained in Paragraph 83 of the Complaint.

84. Defendants deny the allegations contained in Paragraph 84 of the Complaint.

85. Defendants deny the allegations contained in Paragraph 85 of the Complaint.

86. Defendants deny the allegations contained in Paragraph 86 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief as to the truth of allegations concerning defendant Liu.

87. Defendants deny the allegations contained in Paragraph 87 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief as to the truth of allegations concerning defendant Liu.

88. Defendants deny the allegations contained in Paragraph 88 of the Complaint.

89. Defendants deny the allegations contained in Paragraph 89 of the Complaint.

90. Defendants deny the allegations contained in Paragraph 90 of the Complaint.

91. Defendants deny the allegations contained in Paragraph 91 of the Complaint.

92. Defendants deny the allegations contained in Paragraph 92 of the Complaint.

93. Defendants deny the allegations contained in Paragraph 93 of the Complaint.

94. Defendants deny the allegations contained in Paragraph 94 of the Complaint, and to the extent Paragraph 94 purports to incorporate by reference prior paragraphs of the Complaint, Defendants incorporate by reference their general and specific responses to same.

95. Defendants deny the allegations contained in Paragraph 95 of the Complaint.

96. Defendants deny the allegations contained in Paragraph 96 of the Complaint.

97. Defendants deny the allegations contained in Paragraph 97 of the Complaint.

98. Defendants deny the allegations contained in Paragraph 98 of the Complaint.

99. Defendants deny the allegations contained in Paragraph 99 of the Complaint.

100. Defendants deny the allegations contained in Paragraph 100 of the Complaint.

101. Defendants deny the allegations contained in Paragraph 101 of the Complaint.

102. Defendants deny the allegations contained in Paragraph 102 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief as to the truth of allegations concerning defendant Liu.

103. Defendants deny the allegations contained in Paragraph 103 of the Complaint.

104. Defendants deny the allegations contained in Paragraph 104 of the Complaint.

105. Defendants deny the allegations contained in Paragraph 105 of the Complaint.

106. Defendants deny the allegations contained in Paragraph 106 of the Complaint.

107. Defendants deny the allegations contained in Paragraph 107 of the Complaint.

108. Defendants deny the allegations contained in Paragraph 108 of the Complaint.

109. Defendants deny the allegations contained in Paragraph 109 of the Complaint.

110. Defendants deny the allegations contained in Paragraph 110 of the Complaint.

111. Defendants deny the allegations contained in Paragraph 111 of the Complaint, and to the extent Paragraph 111 purports to incorporate by reference prior paragraphs of the Complaint, Defendants incorporate by reference their general and specific responses to same.

112. Defendants deny the allegations contained in Paragraph 112 of the Complaint.

113. Defendants deny the allegations contained in Paragraph 113 of the Complaint.

114. Defendants deny the allegations contained in Paragraph 114 of the Complaint.

115. Defendants deny the allegations contained in Paragraph 115 of the Complaint.

116. Defendants deny the allegations contained in Paragraph 116 of the Complaint.

117. Defendants deny the allegations contained in Paragraph 117 of the Complaint.

118. Defendants deny the allegations contained in Paragraph 118 of the Complaint.

119. Defendants deny the allegations contained in Paragraph 119 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief as to the truth of allegations concerning defendant Liu.

120. Defendants deny the allegations contained in Paragraph 120 of the Complaint.

121. Defendants deny the allegations contained in Paragraph 121 of the Complaint.

122. Defendants deny the allegations contained in Paragraph 122 of the Complaint.

123. Defendants deny the allegations contained in Paragraph 123 of the Complaint.

124. Defendants deny the allegations contained in Paragraph 124 of the Complaint.

125. Defendants deny the allegations contained in Paragraph 125 of the Complaint.

126. Defendants deny the allegations contained in Paragraph 126 of the Complaint.

127. Defendants deny the allegations contained in Paragraph 127 of the Complaint, and to the extent Paragraph 127 purports to incorporate by reference prior paragraphs of the Complaint, Defendants incorporate by reference their general and specific responses to same.

128. Defendants deny the allegations contained in Paragraph 128 of the Complaint.

129. Defendants deny the allegations contained in Paragraph 129 of the Complaint.

130. Defendants deny the allegations contained in Paragraph 130 of the Complaint.

131. Defendants deny the allegations contained in Paragraph 131 of the Complaint.

132. Defendants deny the allegations contained in Paragraph 132 of the Complaint.

133. Defendants deny the allegations contained in Paragraph 133 of the Complaint.

134. Defendants deny the allegations contained in Paragraph 134 of the Complaint.

135. Defendants deny the allegations contained in Paragraph 135 of the Complaint, except to state that Defendants lack



knowledge or information sufficient to form a belief as to the truth of allegations concerning defendant Liu.

136. Defendants deny the allegations contained in Paragraph 136 of the Complaint.

137. Defendants deny the allegations contained in Paragraph 137 of the Complaint.

138. Defendants deny the allegations contained in Paragraph 138 of the Complaint.

139. Defendants deny the allegations contained in Paragraph 139 of the Complaint.

140. Defendants deny the allegations contained in Paragraph 140 of the Complaint.

141. Defendants deny the allegations contained in Paragraph 141 of the Complaint.

142. Defendants deny the allegations contained in Paragraph 142 of the Complaint.

143. Defendants deny the allegations contained in Paragraph 143 of the Complaint, and to the extent Paragraph 143 purports to incorporate by reference prior paragraphs of the Complaint, Defendants incorporate by reference their general and specific responses to same.

144. Defendants deny the allegations contained in Paragraph 144 of the Complaint.

145. Defendants deny the allegations contained in Paragraph 145 of the Complaint.

146. Defendants deny the allegations contained in Paragraph 146 of the Complaint.

147. Defendants deny the allegations contained in Paragraph 147 of the Complaint.

148. Defendants deny the allegations contained in Paragraph 148 of the Complaint.

149. Defendants deny the allegations contained in Paragraph 149 of the Complaint.

150. Defendants deny the allegations contained in Paragraph 150 of the Complaint.

151. Defendants deny the allegations contained in Paragraph 151 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief as to the truth of allegations concerning defendant Liu.

152. Defendants deny the allegations contained in Paragraph 152 of the Complaint.

153. Defendants deny the allegations contained in Paragraph 153 of the Complaint.

154. Defendants deny the allegations contained in Paragraph 154 of the Complaint.

155. Defendants deny the allegations contained in Paragraph 155 of the Complaint.

156. Defendants deny the allegations contained in Paragraph 156 of the Complaint.

157. Defendants deny the allegations contained in Paragraph 157 of the Complaint.

158. Defendants deny the allegations contained in Paragraph 158 of the Complaint.

159. Defendants deny the allegations contained in Paragraph 159 of the Complaint, and to the extent Paragraph 159 purports to incorporate by reference prior paragraphs of the Complaint, Defendants incorporate by reference their general and specific responses to same.

160. Defendants deny the allegations contained in Paragraph 160 of the Complaint.

161. Defendants deny the allegations contained in Paragraph 161 of the Complaint.

162. Defendants deny the allegations contained in Paragraph 162 of the Complaint.

163. Defendants deny the allegations contained in Paragraph 163 of the Complaint.

164. Defendants deny the allegations contained in Paragraph 164 of the Complaint.

165. Defendants deny the allegations contained in Paragraph 165 of the Complaint.

166. Defendants deny the allegations contained in Paragraph 166 of the Complaint.

167. Defendants deny the allegations contained in Paragraph 167 of the Complaint, except to state that Defendants lack knowledge or information sufficient to form a belief as to the truth of allegations concerning defendant Liu.

168. Defendants deny the allegations contained in Paragraph 168 of the Complaint.

169. Defendants deny the allegations contained in Paragraph 169 of the Complaint.

170. Defendants deny the allegations contained in Paragraph 170 of the Complaint.

171. Defendants deny the allegations contained in Paragraph 171 of the Complaint.

172. Defendants deny the allegations contained in Paragraph 172 of the Complaint.

173. Defendants deny the allegations contained in Paragraph 173 of the Complaint.

174. Defendants deny the allegations contained in Paragraph 174 of the Complaint.

175. Defendants deny the allegations contained in Paragraph 175 of the Complaint, and to the extent Paragraph 175 purports to incorporate by reference prior paragraphs of the Complaint, Defendants incorporate by reference their general and specific responses to same.

176. Defendants deny the allegations contained in Paragraph 176 of the Complaint.

177. Defendants deny the allegations contained in Paragraph 177 of the Complaint.

178. Defendants deny the allegations contained in Paragraph 178 of the Complaint.

179. Defendants deny the allegations contained in Paragraph 179 of the Complaint.

180. Defendants deny the allegations contained in Paragraph 180 of the Complaint.

181. Defendants deny the allegations contained in Paragraph 181 of the Complaint.

182. Defendants deny the allegations contained in Paragraph 182 of the Complaint.

183. Defendants deny the allegations contained in Paragraph 183 of the Complaint.

184. Defendants deny the allegations contained in Paragraph 184 of the Complaint.

185. Defendants deny the allegations contained in Paragraph 185 of the Complaint.

186. Defendants deny the allegations contained in Paragraph 186 of the Complaint.

187. Defendants deny the allegations contained in Paragraph 187 of the Complaint.

188. Defendants deny the allegations contained in Paragraph 188 of the Complaint.

189. Defendants deny the allegations contained in Paragraph 189 of the Complaint.

190. Defendants deny the allegations contained in Paragraph 190 of the Complaint, and to the extent Paragraph 190 purports to incorporate by reference prior paragraphs of the Complaint, Defendants incorporate by reference their general and specific responses to same.

191. Defendants deny the allegations contained in Paragraph 191 of the Complaint.

192. Defendants deny the allegations contained in Paragraph 192 of the Complaint.

193. Defendants deny the allegations contained in Paragraph 193 of the Complaint.

194. Defendants deny the allegations contained in Paragraph 194 of the Complaint.

195. Defendants deny the allegations contained in Paragraph 195 of the Complaint.

196. Defendants deny the allegations contained in Paragraph 196 of the Complaint.

197. Defendants deny the allegations contained in Paragraph 197 of the Complaint.

198. Defendants deny the allegations contained in Paragraph 198 of the Complaint.

199. Defendants deny the allegations contained in Paragraph 199 of the Complaint.

200. Defendants deny the allegations contained in Paragraph 200 of the Complaint.

201. Defendants deny the allegations contained in Paragraph 201 of the Complaint.

202. Defendants deny the allegations contained in Paragraph 202 of the Complaint.

203. Defendants deny the allegations contained in Paragraph 203 of the Complaint, and to the extent Paragraph 203 purports to incorporate by reference prior paragraphs of the Complaint, Defendants incorporate by reference their general and specific responses to same.

204. Defendants deny the allegations contained in Paragraph 204 of the Complaint.

205. Defendants deny the allegations contained in Paragraph 205 of the Complaint.

Defendants deny that Plaintiff is entitled to any of the relief described in the lettered paragraphs beginning "WHEREFORE" on page 32 of the Complaint.

**JURY DEMAND**

Defendants request trial by jury.

**AFFIRMATIVE DEFENSES**

By asserting these affirmative and other defenses, Defendants do not assume any burden of production or proof that it does not otherwise have.

**FIRST AFFIRMATIVE DEFENSE**

The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' claims and demands for damages are barred in whole or in part because Defendants used no source indicating words or designs and made no statements that either deceived or had the capacity to confuse or deceive a substantial segment of potential customers.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims and demands for damages are barred in whole or in part because Defendants caused no material deception



or dilution that was likely to influence a consumer's purchasing decision.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims for damages are barred in whole or in part because Plaintiffs have not been and are not likely to be injured as a result of any conduct by any Defendant.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Defendants have not engaged in unfair, deceptive, untrue or misleading advertising.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part by the doctrine of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part by the doctrines of laches, acquiescence and estoppel.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part by the doctrine of waiver.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part because any damages allegedly suffered by Plaintiff were either wholly

or in part the legal fault of persons or entities (including Plaintiff) other than Defendants.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Plaintiff failed to mitigate its damages.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Defendants have not engaged in unlawful, unfair or fraudulent business practices.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Defendants acted in good faith and employed lawful, proper and justified means to accomplish legitimate business objectives.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Defendants acted reasonably and in good faith based on all relevant facts and circumstances known to them at the time they so acted.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because there is no reasonable likelihood of confusion in the marketplace.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because the injuries and/or damages claimed were not legally or proximately caused by an act or omission by any Defendant.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Plaintiffs have suffered no damages or economic harm as a result of the matters alleged in the Complaint.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims for injunctive and other equitable relief are barred because Plaintiffs have an adequate remedy at law.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because any damages alleged are non-existent, uncertain, contingent and speculative.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because any rights it ever had in its alleged marks and/or trade dress have been abandoned within the meaning of 15 U.S.C. § 1115(b) (2) through a course of conduct including acquiescence in third party use that caused said mark and/or trade dress to lose any distinctiveness that may have existed.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Defendants' alleged infringing conduct constitutes fair use within the meaning of 15 U.S.C. § 1115.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because the allegedly infringing mark and/or trade dress is owned by Defendant Liu.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Defendants' alleged infringing conduct, if any, was performed without knowledge of Plaintiffs' prior use.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Plaintiffs' registered marks are invalid.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Defendants did not infringe any alleged trademark.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because Defendants' conduct was innocent, not intentional, not willful, and not in bad faith.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because none of Defendants' conduct individually or collectively infringes any intellectual property owned by Plaintiffs.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs are not entitled to attorney fees.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs are not entitled to statutory, treble, exemplary or otherwise increased damages.

TWENTY-NINTH AFFIRMATIVE DEFENSE

Defendant Tawa Supermarket, Inc. is not subject to personal jurisdiction in this district.

THIRTIETH AFFIRMATIVE DEFENSE

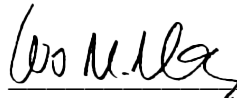
Defendants reserve the right to supplement or amend this Answer, including the addition of further defenses, based upon the course of discovery and proceedings in this action.

**DEMAND FOR RELIEF**

WHEREFORE Defendants TRISTAR FOOD WHOLESALE CO., INC.; RENHE MARKET, INC.; WELCOME CALIFORNIA MARKET, INC.; TAWA CALIFORNIA SUPERMARKET, INC. and TAWA SUPERMARKET, INC. individually and collectively demand judgment dismissing the Complaint, awarding costs and attorney fees to Defendants, and awarding such other and further relief as the Court deems proper.

Dated: New York, New York  
February 11, 2018

MULLEN P.C.



Wesley M. Mullen (WM1212)  
200 Park Avenue, Suite 1700  
New York, NY 10166  
(646) 632-3718  
wmullen@mullenpc.com